

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
MEMPHIS DIVISION**

MEMPHIS HOUSING AUTHORITY,)
vs. Plaintiff,) Civil Action No.: _____
vs.)
ZURICH AMERICAN INSURANCE)
COMPANY AND AMERICAN)
GUARANTEE AND LIABILITY)
INSURANCE COMPANY,)
Defendants.)

NOTICE OF REMOVAL

TO: The Judges of the United States District Court for the Western District of Tennessee , Memphis Division:

PLEASE TAKE NOTICE that Defendants Zurich American Insurance Company¹ and American Guarantee and Liability Insurance Company hereby remove this action from the Chancery Court for Shelby County, Tennessee to the United States District Court for the Western District of Tennessee, Memphis Division, pursuant to 28 U.S.C. §§1332, 1441 and 1446.

In support of this Notice of Removal Zurich American Insurance Company and American Guarantee and Liability Insurance Company state as follows:

1. On February 28, 2014 Memphis Housing Authority filed this action against Zurich American Insurance Company as named in paragraph 2 of the Complaint (but misnamed in the style of the Complaint as Zurich American Insurance Group) and American Guarantee and Liability Insurance Company, in the Chancery Court for Shelby County, Tennessee, Civil Action No. CH-14-

¹ Zurich American Insurance Group, Inc. is not a legal entity and was misnamed in the style of the original Complaint and is not a proper party. If and to the extent that the Court might consider Zurich American Insurance Group, Inc. to be a party, the Notice of Removal and other responsive pleadings should be deemed filed on behalf of such trade style as well as Zurich American Insurance Company.

0313. An Amended Complaint was filed on May 14, 2014. Service of the Summons and Complaint was made on the statutory agent on May 23, 2014 on Zurich American Insurance Company and American Guarantee and Liability Insurance Company on May 8, 2014. The documents attached as Exhibit A to this Notice of Removal constitute all of the process and pleadings served in this action to date. The United States District Court for the Western District of Tennessee, Memphis Division, is the district and division within which the state court action is pending.

2. At the time of the commencement of the action and all relevant times thereafter, Memphis Housing Authority was and is a Tennessee public housing authority with its principal place of business located at 700 Adams, Memphis, Tennessee 38105. At the time of commencement of this action and all relevant times thereafter, Zurich American Insurance Company was and is a New York corporation with its principal place of business located at 1400 American Lane, Schaumberg, Illinois 60196 and American Guarantee and Liability Insurance Company was and is a New York corporation with its principal place of business at 1400 American Lane, Schaumberg, Illinois 60196.

3. The Complaint of Memphis Housing Authority asserts claims under a contract of insurance for damages, with alleged limits of \$1,000,000 including a claim for declaratory relief, punitive damages, bad faith damages and attorneys' fees in excess of \$96,000.00 and seeks relief in an amount not less than \$75,000, exclusive of interest and costs.

4. This Court has original jurisdiction of this action under 28 U.S.C. § 2201 and 28 U.S.C. § 1332 because complete diversity exists between the parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs. Diversity of citizenship existed between the Plaintiff and the Defendants at the time of the filing of the state court Complaint and at the time of filing of this Notice of Removal.

5. Zurich American Insurance Company and American Guarantee and Liability Insurance Company will promptly file a true and correct copy of this Notice of Removal with the Clerk and Master of the Chancery Court for Shelby County, Tennessee and will serve notice, along with this notice, upon Memphis Housing Authority as required by 28 U.S.C. § 1441(d).

6. By filing this Notice of Removal, Zurich American Insurance Company and American Guarantee and Liability Insurance Company do not waive any defense available to them.

Respectfully submitted,

Howard Tate Sowell Wilson Leathers & Johnson, PLLC

s/William H. Tate

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*Attorneys for Zurich American Insurance Company and
American Guarantee and Liability Insurance Company*

**CERTIFICATE OF
SERVICE**

I hereby certify that on this 29 day of May 2014, a copy of Defendant Zurich American Insurance Company, Inc.'s and American Guarantee Insurance Company's Notice of Removal was filed electronically with the Clerk's office by using the CM/ECF system and served electronically upon the parties through the Court's ECF system.

And by first class mail upon:

C. Wesley Fowler, Esq.
Jonathan Richardson, Esq.
The Fowler Law Firm, PLLC
25 Dr. M L King Jr. Avenue
Memphis, Tennessee 38103

s/William H. Tate

William H. Tate